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**Attorneys for Defendants CITY OF LOS ANGELES and LOS ANGELES
POLICE DEPARTMENT**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL KEVIN CLARK, an individual, } CASE NO. CV 08-08420 SVW (PLAx)
} Assigned to the Hon. Stephen V.
} Wilson

Plaintiff,

VS.

ORDER RE: PROTECTIVE ORDER

CITY OF LOS ANGELES, a governmental municipality; LOS ANGELES POLICE DEPARTMENT, a public entity; and DOES 1through 50, inclusive,

Defendants.

Whereas Plaintiff has propounded a request for production of documents and has requested confidential documents from Defendants, and the parties having met and conferred, seek to avoid burdening the Court with unnecessary motions, and whereas the parties agree the release of certain documents may assist in resolving this matter, the parties have stipulated to the terms and conditions outlined below in the proposed order.

1 Therefore, in accordance with the stipulation of the parties, the Court hereby orders
2 as follows:

3 1. The parties may designate as confidential the following:

4 [A] LAPD Internal Investigation Reports relating to this matter,
5 including all compelled statements of any involved police officers;

6 [B] Recordings of statements made pursuant to LAPD's internal
7 investigation relating to this matter;

8 all of which Defendants believe might contain information of a privileged, confidential,
9 private or sensitive nature, and the public dissemination of which Defendants believe
10 jeopardize compelling interests in preserving the integrity of the Los Angeles Police
11 Department's internal investigations, both by assuring that even self-incriminating officer
12 statements can be compelled and by facilitating accurate and thorough self-critical
13 investigations by the Los Angeles Police Department without the fear of having information
14 used against the officers in court, and to protect officers' right of privacy, by affixing to such
15 document or writing a legend, such as "Confidential," "Confidential Documents,"
16 "Confidential Material," "Subject to Protective Order" or words of similar effect. The
17 category of documents and other tangible things so designated, and all information derived
18 therefrom (hereinafter, collectively, "Confidential Information"), shall be treated in
19 accordance with the terms of this stipulation.

20 2. Confidential Information may be used by the persons receiving such
21 information only for the purpose of this litigation.

22 3. Subject to the further conditions imposed by this stipulation, Confidential
23 Information may be disclosed only to the following persons:

24 (a) Counsel for the parties and to experts, investigators, paralegal
25 assistants, office clerks, secretaries and other such personnel working under
26 their supervision;

27 (b) The Plaintiff in this action;

28 (c) Such other parties as may be agreed by written stipulation among

the parties hereto.

4. Prior to the disclosure of any Confidential Information to any person described in paragraph 3(a), 3(b) or 3(c), counsel for the party that has received and seeks to use or disclose such Confidential Information shall first provide any such person with a copy of this stipulation, and shall cause him or her to execute, on a second copy which counsel shall thereafter serve on the other party the following acknowledgment:

“I understand that I am being given access to Confidential Information pursuant to the foregoing stipulation and order.

I have read the Order and agree to be bound by its terms with respect to the handling, use and disclosure of such Confidential Information.

Dated: _____ /s/ _____ "

5. Upon the final termination of this litigation, including any appeal pertaining thereto, all Confidential Information and all copies thereof shall be returned to the Defendants, except as to Court personnel. All Confidential Information disclosed to any person or party pursuant to any provision hereof also shall be returned to the Defendants.

6. If any party who receives Confidential Information receives a subpoena or other request seeking Confidential Information, he, she or it shall immediately give written notice to the Defendants' counsel, identifying the Confidential Information sought and the time in which production or other disclosure is required, and shall object to the request or subpoena on the grounds of this stipulation so as to afford the Defendants an opportunity to obtain an order barring production or other disclosure, or to otherwise respond to the subpoena or other request for production or disclosure of Confidential Material. Other than objecting on the grounds of this stipulation, no party shall be obligated to seek an order barring production of Confidential Information, which obligation shall be borne by the Defendants. However, in no event should production or disclosure be made without written notice to Defendants' counsel unless required by court order after serving written notice to Defendants' counsel.

1 7. When filing any pleadings, motions, briefs, declarations, stipulations,
2 exhibits or other written submissions to the Court in this litigation, and portions thereof
3 which contain, reflect, incorporate or refer to Confidential Information shall be filed under
4 seal, after written application to the Court made pursuant to Local Rule 79-5. If the Court
5 approves the application to file the documents under seal, the original and judge's copy of
6 the document shall be sealed in separate envelopes with a title page affixed to the outside of
7 each envelope. No sealed or confidential record of the Court maintained by the Clerk shall
8 be disclosed except upon written order of the Court.

9 8. Counsel for the parties hereto agree to request that any motions,
10 applications or other pre-trial proceedings which could entail the discussion or disclosure of
11 Confidential Information be heard by the Court outside the presence of the jury, unless
12 having heard from counsel, the Court orders otherwise. Counsel for the parties further agree
13 that during any portion of the trial of this action which could entail the discussion or
14 disclosure of Confidential Information, they will request that access to the courtroom be
15 limited to parties, their counsel and other designated representative, experts or consultants
16 who agree to be bound by this stipulation, and court personnel, unless having heard from
17 counsel, the Court orders otherwise.

18 9. Nothing herein shall prejudice any party's rights to object to the
19 introduction of any Confidential Information into evidence, on grounds including but not
20 limited to relevance and privilege.

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1 10. This Protective Order survives settlement, trial and/or appeal.
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4 ***IT IS SO STIPULATED:***
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6 DATED: April ___, 2009
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9 **ROCKARD J. DELGADILLO, City Attorney**
10 **MICHAEL L. CLAESSENS, Managing Asst. City Attorney**
11 **CORY M. BRENT, Assistant City Attorney**
12

13 By: _____
14 **RENA M. SHAHANDEH, Deputy City Attorney**
15

16 Attorneys for Defendants CITY OF LOS ANGELES and
17 LOS ANGELES POLICE DEPARTMENT
18

19 DATED: April ___, 2009
20

21 **HURWITZ & ORIHUELA, LLP**
22

23 By: _____
24 **CORY HURWITZ**
25 Attorneys for Plaintiff, **MICHAEL KEVIN CLARK**
26

27 **ORDER**
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29 ***IT IS SO ORDERED.***
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31 DATED: 4/14/09
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35 **HONORABLE PAUL L. ABRAMS**
36 **UNITED STATES MAGISTRATE JUDGE**
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